

HELEN F. DALTON & ASSOCIATES, P.C.
ATTORNEYS AT LAW

80-02 Kew Gardens Road, Suite 601, Kew Gardens, NY 11415
Tel. (718) 263-9591 Fax. (718) 263-9598

November 10, 2022

Via ECF:

The Honorable Lois Bloom, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **Najera et al v. SR Mango House Inc. et al**
Civil Docket No.: 22-cv-01051 (RPK)(LB)

Dear Judge Bloom:

We represent Plaintiffs Andres Najera, Mario Avila, and Elpidio Munguia, individually and on behalf of all others similarly situated (“Plaintiffs”) in this FLSA matter, and we respectfully submit this joint status report letter pursuant to Your Honor’s November 7, 2022 Order. *See* Dkt. No. 27.

Relevant Background

Plaintiffs filed their Summons and Amended Complaint on September 28, 2022, against SR Mango House Inc., and Shoaibur Rahman, Anthony Singh, and Savita Singh, as individuals. *See* Dkt. No. 24.

Anthony Singh was served on October 21, 2022 (*see* Dkt. No. 27), and Savita Singh was personally served on October 21, 2022, as well (*see* Dkt. No. 27-1). As such, these defendants have until November 11, 2022 to appear. Thus far, neither of these Defendants have appeared on this matter, and to date, no attorney on their behalf has contacted our office regarding this matter or their representation of these Defendants.

Original Defendants, SR Mango House Inc., and Shoaibur Rahman, through their counsel, interposed an Answer to Plaintiffs’ Amended Complaint, earlier today, on November 8, 2022, with three cross-claims being asserted as against co-defendants Anthony Singh and Savita Singh. *See* Dkt. No. 28.

Yesterday, the undersigned contacted Defendants Anthony Singh and Savita Singh, at their regular place of business, during normal business hours, to ascertain whether or not Anthony Singh and Savita Singh intend to appear, or retain counsel, or otherwise defend in this matter. I spoke directly with Savita Singh, who apprised that she and her “husband Anthony are still discussing this matter, and are still in the process of deciding whether [they] want to hire an attorney.” I asked Savita Singh for an estimated timeframe as to how much additional time Savita Singh and Anthony Singh would require to do so, but received no response from Savita Singh. She then hung up the phone to terminate the call.

On August 15, 2022, we apprised the Court, *inter alia*, that the parties had already “exchanged relevant information and documentation as required by paragraph 1 of the Court’s 06/06/2022 FLSA Order, and that the parties have met and conferred pursuant to paragraph 3 of the above Order. However, based on the information and documentation exchanged, and the parties’ subsequent conversations regarding settlement, [it] is necessary to amend the Complaint herein to add additional Defendants [Anthony Singh and Savita Singh] before mediation in this matter would be productive.” *See* Dkt. No. 20.

As the Singh Defendants’ Answer or response to the Complaint is not yet due, we have not taken any action, including requesting certificates of default. Our hope is that they intend to appear in this action and avoid the need for Plaintiffs to pursue a default judgment against them. However, at this time, the Singh Defendants’ intentions are unclear.

Plaintiffs and Defendants SR Mango House Inc. and Shoaibur Rahman are prepared to go to mediation if the Singh Defendants are also prepared to appear in this matter and participate in mediation. Plaintiffs remain open to mediation with some or all of the Defendants in this matter.

In the event that the Singh Defendants ultimately fail to appear, then counsel for SR Mango House Inc. and Shoaibur Rahman may seek to commence a third-party action also seeking a default judgment against the Singh Defendants.

At this time, we would propose filing a further status on or before November 18, 2022, one week after the Singh Defendants’ response to the Complaint is due. If the Singh Defendants have appeared and indicate interest in mediation, the parties will work to select a mediator and schedule mediation and can advise the Court accordingly. If the Singh Defendants have not appeared at the time, Plaintiffs can request dates from the Court for default judgment motion practice and can advise the Court as to how we intend to proceed as to the remaining defendants.

We thank The Court for its kind consideration on this matter, and we remain available to provide any additional information.

Respectfully submitted,

Roman Avshalumov
Roman Avshalumov, Esq.

CC: via ECF and electronic mailing:

Steven B. Ross, Esq.
ROSS & ASMAR LLC
270 Madison Avenue, Suite 1203
New York, New York 10016
Tel.: (212) 736-4201
Email: steven@rossasmar.com

CC: via UPS Overnight Courtier To:

Anthony Singh & Savita Singh

**177-56 Meadow Road # 2
Jamaica, New York 11434**

UPS AIR MAIL TRACKING # 1Z9756W92406231758

**30 West 181st Street
Apt. #1B
Bronx, New York 10453**

UPS AIR MAIL TRACKING # 1Z9756W92436092110

**5117 Church Avenue
Brooklyn, New York 11203**

UPS AIR MAIL TRACKING # 1Z9756W92435854727

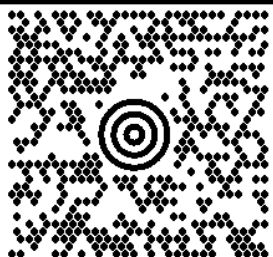
HELEN DALTON
7182639591
HELEN DALTON & ASSOCIATES
80-02 KEW GARDENS ROAD
KEW GARDENS NY 11415

0.5 LBS LTR

1 OF 1

SHIP TO:

ANTHONY SINGH & SAVITA SINGH
ANTHONY SINGH & SAVITA SINGH
2
17756 MEADOW RD
JAMAICA NY 11434-4949



NY 116 4-01



UPS NEXT DAY AIR

TRACKING #: 1Z 975 6W9 24 0623 1758

1



BILLING: P/P
SIGNATURE REQUIRED



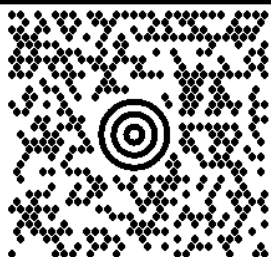
HELEN DALTON
7182639591
HELEN DALTON & ASSOCIATES
80-02 KEW GARDENS ROAD
KEW GARDENS NY 11415

0.5 LBS LTR

1 OF 1

SHIP TO:

ANTHONY SINGH & SAVITA SINGH
ANTHONY SINGH & SAVITA SINGH
APT 1B
30 W 181ST ST
BRONX NY 10453-3111



NY 104 9-03



UPS NEXT DAY AIR

TRACKING #: 1Z 975 6W9 24 3609 2110

1



BILLING: P/P
SIGNATURE REQUIRED



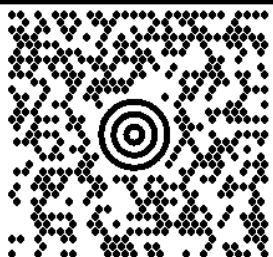
HELEN DALTON
7182639591
HELEN DALTON & ASSOCIATES
80-02 KEW GARDENS ROAD
KEW GARDENS NY 11415

0.5 LBS LTR

1 OF 1

SHIP TO:

ANTHONY SINGH / SAVITA SINGH
SR MANGO HOUSE
5117 CHURCH AVE
BROOKLYN NY 11203-3511



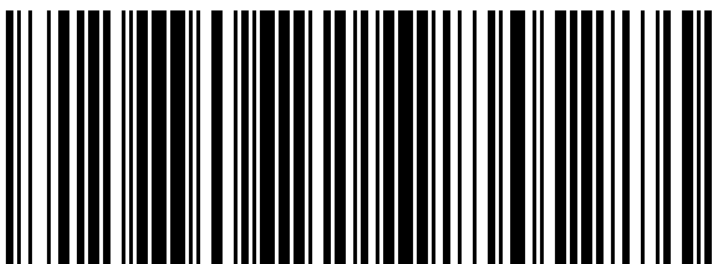
NY 1123-11



UPS NEXT DAY AIR

TRACKING #: 1Z 975 6W9 24 3585 4727

1



BILLING: P/P
SIGNATURE REQUIRED

